

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION**

CIVIL CASE NO. 3:06cv67

BESSIE NORRIS, p/k/a)
BETTY WRIGHT,)
)
Plaintiff,)
)
vs.)
)
CBS RADIO HOLDINGS, INC.,)
SHANNON MARSHALL, and)
MILLION DOLLAR)
MANAGEMENT,)
)
Defendants.)
_____)

ORDER

THIS MATTER is before the Court on reassignment.

On February 16, 2006, the formerly named Defendant Infinity Broadcasting Corporation, Inc. removed this action from state court without the consent of all defendants. **28 U.S.C. §1441; Board of Regents of University System of Georgia, 535 U.S. 613, 619 (2002).**

On April 19, 2006, CBS Radio Holdings, Inc. was substituted as the Defendant instead of Infinity Broadcasting Corporation, Inc. On June 26, 2006, the Magistrate Judge found that the Plaintiff had shown good cause

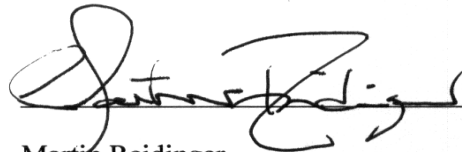
for failing to effect service of process on the two remaining Defendants and he granted her request to serve each Defendant by publication. The Plaintiff was granted an extension of time through September 16, 2006 to complete the same. Nothing more is contained within the record.

The Court finds that the Plaintiff's failure to effect service on the two remaining Defendants warrants their dismissal from the case. Since the only remaining Defendant is the party which removed the action from state court, the issue of lack of consent is moot.

IT IS, THEREFORE, ORDERED that Shannon Marshall and Million Dollar Management are hereby **DISMISSED** without prejudice from the action and the caption shall be amended on future pleadings to reflect their dismissal.

IT IS FURTHER ORDERED that on or before 15 days from entry of this Order, the parties shall file certification of the initial attorneys' conference. Upon the filing of that certificate, the case is respectfully referred to the Magistrate Judge for an initial pre-trial order and case management plan.

Signed: October 11, 2007


Martin Reidinger
United States District Judge

